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12-5-2007

Copyright: The Crash Course

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Royster, Paul, "Copyright: The Crash Course" (2007). *Digital Commons / Institutional Repository Information*. 53.

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Copyright: The Crash Course





Copyright is property

Specifically “intellectual” property,
similar to but different from
trademarks and patents.





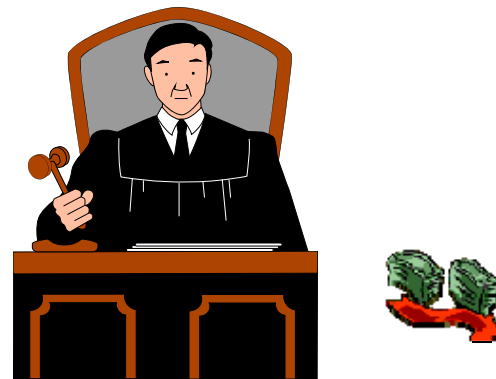
Who owns the copyright?

- originally: the author/creator
- subsequently: whomever it was bought, leased, or inherited by; i.e., the publisher (perhaps) or the heirs, etc.



Copyright is governed by civil law, not criminal law.

- You cannot go to jail for violation.
- You can be sued for damages.





Copyright protection covers

- the particular way an author has expressed himself
- **not** the ideas, systems, or factual information conveyed in the work.

A “fact” cannot be copyrighted !!!!

Copyright law prohibits unauthorized:

- publication
(including Internet posting)
- publication of “derivative works”
(translations, abridgements, dramatizations, etc.)





What is “publication” ?

US Copyright Office says:

"Publication" is the **distribution of copies of a work to the public** by sale or other transfer of ownership, or by rental, lease, or lending. ...

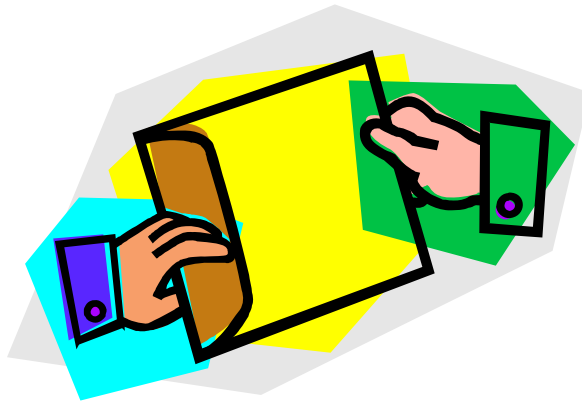


Dissemination in which the material object does not change hands, for example, performances or displays on television, is **not** a publication no matter how many people are exposed to the work.



Copyright “infringement” occurs

- **Not** when a copy is made, but
- When the copy “changes hands”
(*i.e.*, is distributed or “published”)



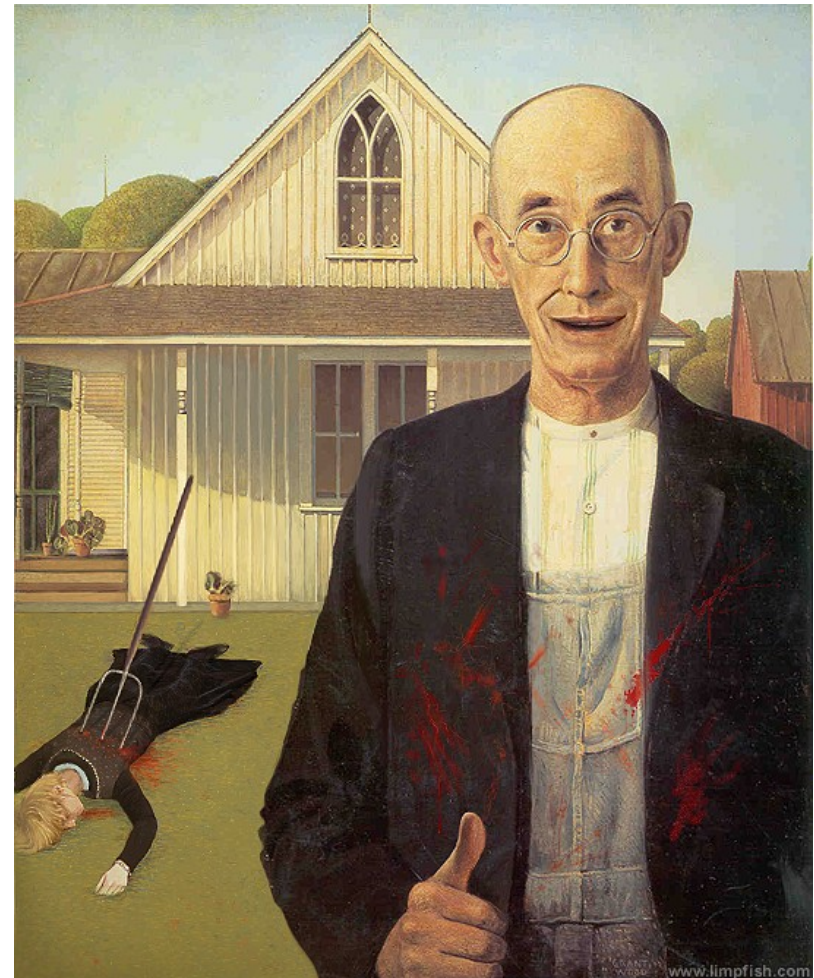


Copyright law does not prohibit:

- photocopying a single copy for personal use
- downloading one electronic copy
- publishing a quotation or summary
- publishing a parody



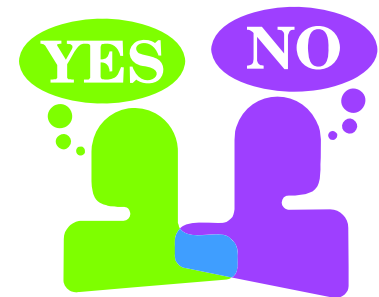
Parody ?





What is in copyright ?

- pre-1923: nothing (“public domain”)
- 1923-1963: maybe/maybe not
only if © was renewed
- 1963-1976: probably
yes, if it had © notice
- post-1976: everything





Copyright renewal (1923-1963)

- Works published 1923-1963 have passed into public domain if they were not renewed in their 28th & 57th years of coverage.

- These can be checked at the website:

<http://www.scils.rutgers.edu/~lesk/copyrenew.html>





Copyright is now **automatic**

- Upon first publication (including electronic publication)
- Copyrights can also be “registered” — allowing one to collect monetary damages back to the registration date
- Some publishers require authors to transfer copyright — but authors should try to negotiate to retain their rights

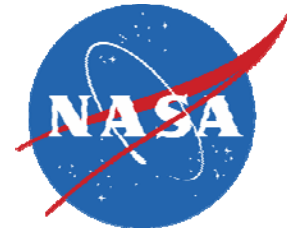




US Govt docs cannot be ©

Works created by officers or agents
of the United States government
(in the performance of their duties)
are **not subject to copyright**

Includes: USDA, USFWS, NOAA, NIH, DOD, NASA, etc.



The doctrine of “fair use”—Section 107

“ the fair use of a copyrighted work, including such use by reproduction in copies ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is **not** an infringement of copyright. ”





The 4 criteria for determining “fair use”:

1. nature of the use
2. nature of the work
3. amount of work used
4. effect on market for or value of work



Libraries exemption, §108:

“It is not an infringement of copyright for a library ... to reproduce no more than one copy ... of a work, ... or to distribute such copy ..., **if** ...





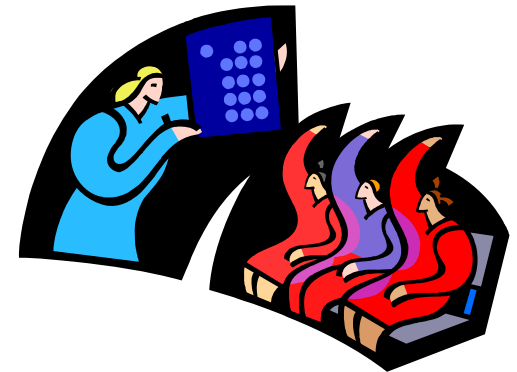
Libraries can make & distribute one copy if →

1. the reproduction is made without any purpose of direct or indirect commercial advantage; and ✓
2. the collections of the library are open to the public; and ✓
3. the reproduction or distribution of the work includes a notice that the work may be protected by copyright. ✓



Instructional exemption §110:

“A copyrighted work may be displayed under the supervision of an instructor as part of a class offered by an accredited nonprofit educational institution if it is directly related to the content, and is limited to students officially enrolled in the course.”





Therefore, an instructor may do the following:

- read or display a copyrighted work in class
- distribute a section of a copyrighted work
- place a copy of a copyrighted work on electronic reserve at the Library
- place a copy of a copyrighted work on Blackboard





An instructor may not:

- distribute complete copies of a copyrighted work
- post a copyrighted work on a public-accessible website (without permission)

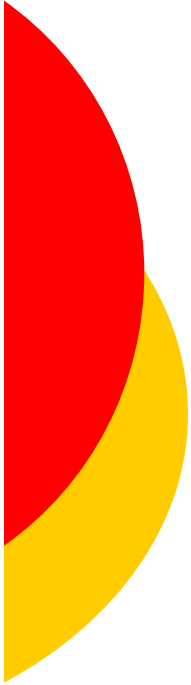




Useful websites

- <http://www.copyright.gov/>
US Copyright Office
- <http://fairuse.stanford.edu/>
Information & links from Stanford Univ. Library
- <http://www.copyright.com/>
Copyright Clearance Center
- <http://www.utsystem.edu/ogc/Intellectualproperty/cprtindx.htm>
Univ. of Texas Copyright Course





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